

***Montana Fish, Wildlife & Parks***  
1420 E 6th Ave, PO Box 200701 Helena, MT 59620-0701  
(406) 444-2452

## **ENVIRONMENTAL ASSESSMENT CHECKLIST**

### **PART 1. PROPOSED ACTION DESCRIPTION**

**Project Title:** Forcemain Pipeline Installation, South Fork West Fork Gallatin River and Second Yellow Mule Creek

**Application Date:** April 3, 2003

**Name, Address, Phone Number:**

Big Sky Water and Sewer District  
Ron Edwards  
PO Box 160670  
Big Sky MT 59716

**Project Location:**

T 7S R3E Sections 8 (2<sup>nd</sup> Yellowmule) and 9 (South Fork West Fork Gallatin River).

**Description of Project:**

The applicant proposed to install a forcemain pipeline across the South Fork West Fork Gallatin River and Second Yellowmule Creek to convey treated effluent to the Yellowstone Mountain Club for disposal as irrigation water and for snowmaking. A trench will be excavated across each stream, the pipeline will be bedded in the trench, and channel dimensions will be restored. Vegetation will be replanted and sediment control fencing will be installed. All large woody debris removed for construction will be returned to the channel.

Montana Fish, Wildlife & Parks proposed to issue two Stream Protection Act (124) permits for the crossings.

**Other groups or agencies contacted or which may have overlapping jurisdiction:**

US Army Corps of Engineers.

## **PART 2. ENVIRONMENTAL REVIEW**

Table 1. Potential impact on physical environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Unique, endangered, fragile, or limited environmental resources				X		
2. Terrestrial or aquatic life and/or habitats			X		X	See below
3. Introduction of new species into an area				X		
4. Vegetation cover, quantity and quality			X		X	See below
5. Water quality, quantity, and distribution (surface or groundwater)			X			See below
6. Existing water right or reservation				X		
7. Geology and soil quality, stability, and moisture			X			
8. Air quality or objectionable odors			X			
9. Historical and archaeological sites	X					See below
10. Demands on environmental resources of land, water, air, and energy				X		
11. Aesthetics			X			See below

### **Comments**

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided.)

2. Installation of the pipeline will temporarily disturb streamflows and create turbidity, which may result in short term impacts to aquatic life. If steps are taken as proposed by applicant, impacts will be minimized.
4. Vegetative cover will be disturbed during excavation. Applicant proposes to revegetate immediately after installation is complete.
5. Short-term turbidity will be caused by installation of pipeline, but coffer damming should limit turbidity.
9. No historical or archeological information was provided by applicant.
11. Excavation of trench will create extensive disturbance, although this will be in a remote, inaccessible area.

Table 2. Potential impacts on human environment.

Will the proposed action result in potential impacts to:	Unknown	Potentially Significant	Minor	None	Can Be Mitigated	Comments Provided
1. Social structures and cultural diversity				X		
2. Changes in existing public benefits provided by wildlife populations and/or habitat				X		
3. Local and state tax base and tax revenue				X		
4. Agricultural production				X		
5. Human health				X		
6. Quantity and distribution of community and personal income				X		
7. Access to and quality of recreational activities				X		
8. Locally adopted environmental plans and goals (ordinances)				X		
9. Distribution and density of population and housing				X		
10. Demands for government services				X		
11. Industrial and/or commercial activity				X		

### **Comments**

(A description of potentially significant, or unknown, impacts and potential alternatives for mitigation must be provided as comments.)

**Does the proposed action involve potential risks or adverse effects which are uncertain but extremely harmful if they were to occur?**

No. Installations of utility crossings are short-term disturbances which are routine in nature.

**Does the proposed action have impacts that are individually minor, but cumulatively significant or potentially significant?**

While stream crossings are minor disturbance, extensive development in the Big Sky area has had significant cumulative impacts on the watershed, outside the scope of this review.

**Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action when alternatives are reasonably available and prudent to consider. Include a discussion of how the alternatives would be implemented:**

1. Not to issue SPA permit for stream crossings.
2. Alternative alignment of pipeline crossings were considered, but ruled out.

**Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:**

1. All in-stream work shall be completed in an expeditious manner to avoid unnecessary impacts to the streams;
2. Extra precautions shall be taken to preserve existing riparian vegetation;
3. All construction activities performed in the stream and immediate vicinity shall be conducted in a manner to reduce in-stream turbidity along with minimizing disturbances to the streambed and/or streambank;
4. All streambank and adjacent areas disturbed by the construction activity shall be protected with temporary erosion control measures during the construction activities. These areas shall be reclaimed with long-term erosion control measures and revegetated immediately after construction;
5. The pipeline shall be installed according to specifications and procedures in application.
6. Large woody debris removed from construction area shall be replaced after construction is complete.

**Individuals or groups contributing to, or commenting on, this EA:**

**EA prepared by:** Patrick Byorth, Fisheries Biologist

**Date Completed:** May 16, 2003

**Email comments to:** phyorth@montana.edu

**Mail comments to:** Montana Fish, Wildlife & Parks  
Pat Byorth  
1400 S. 19<sup>th</sup> Street  
Bozeman MT 59718

**Comments due by:** 16 June 2003

## APPENDIX A

### PRIVATE PROPERTY ASSESSMENT ACT CHECKLIST

The 54th Legislature enacted the Private Property Assessment Act, Chapter 462, Laws of Montana (1995). The intent of the legislation is to establish an orderly and consistent process by which state agencies evaluate their proposed actions under the "Takings Clauses" of the United States and Montana Constitutions. The Takings Clause of the Fifth Amendment of the United States Constitution provides: "nor shall private property be taken for public use, without just compensation." Similarly, Article II, Section 29 of the Montana Constitution provides: "Private property shall not be taken or damaged for public use without just compensation..."

The Private Property Assessment Act applies to proposed agency actions pertaining to land or water management or to some other environmental matter that, if adopted and enforced without compensation, would constitute a deprivation of private property in violation of the United States or Montana Constitutions.

The Montana State Attorney General's Office has developed guidelines for use by state agency to assess the impact of a proposed agency action on private property. The assessment process includes a careful review of all issues identified in the Attorney General's guidance document (Montana Department of Justice 1997). If the use of the guidelines and checklist indicates that a proposed agency action has taking or damaging implications, the agency must prepare an impact assessment in accordance with Section 5 of the Private Property Assessment Act. For the purposes of this EA, the questions on the following checklist refer to the following required stipulation(s):

***(LIST ANY MITIGATION OR STIPULATIONS REQUIRED, OR NOTE "NONE")***

#### DOES THE PROPOSED AGENCY ACTION HAVE TAKINGS IMPLICATIONS UNDER THE PRIVATE PROPERTY ASSESSMENT ACT?

YES	NO	
<u>  X  </u>	<u>      </u>	1. Does the action pertain to land or water management or environmental regulation affecting private real property or water rights?
<u>  X  </u>	<u>      </u>	2. Does the action result in either a permanent or indefinite physical occupation of private property?
<u>      </u>	<u>  X  </u>	3. Does the action deprive the owner of all economically viable uses of the property?
<u>      </u>	<u>  X  </u>	4. Does the action deny a fundamental attribute of ownership?
<u>  X  </u>	<u>      </u>	5. Does the action require a property owner to dedicate a portion of property or to grant an easement? [If the answer is NO, skip questions 5a and 5b and continue with question 6.]
<u>  X  </u>	<u>      </u>	5a. Is there a reasonable, specific connection between the government requirement and legitimate state interests?

<u>  X  </u>	<u>      </u>	5b. Is the government requirement roughly proportional to the impact of the proposed use of the property?
<u>      </u>	<u>  X  </u>	6. Does the action have a severe impact on the value of the property?
<u>      </u>	<u>  X  </u>	7. Does the action damage the property by causing some physical disturbance with respect to the property in excess of that sustained by the public generally? [If the answer is <b>NO</b> , do not answer questions 7a—7c.]
<u>      </u>	<u>      </u>	7a. Is the impact of government action direct, peculiar, and significant?
<u>      </u>	<u>      </u>	7b. Has government action resulted in the property becoming practically inaccessible, waterlogged, or flooded?
<u>      </u>	<u>      </u>	7c. Has government action diminished property values by more than 30% and necessitated the physical taking of adjacent property or property across a public way from the property in question?

Taking or damaging implications exist if **YES** is checked in response to question 1 and also to any one or more of the following questions: 2, 3, 4, 6, 7a, 7b, 7c; or if **NO** is checked in response to questions 5a or 5b.

If taking or damaging implications exist, the agency must comply with Section 5 of the Private Property Assessment Act, to include the preparation of a taking or damaging impact assessment. Normally, the preparation of an impact assessment will require consultation with agency legal staff.

This is an action taken by Big Sky Water and Sewer District according to prior agreement with the Yellowstone Mountain Club. FWP only permits stream crossings and does not affect the agreement.